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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,841	03/09/2001	Steven Francis Colborne	LEICA/9	8013

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EXAMINER

CORRIELUS, JEAN B

ART UNIT PAPER NUMBER

2637

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/802,841

**Applicant(s)**

COLBORNE ET AL.

**Examiner**

Jean B Corrielus

**Art Unit**

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-26 is/are rejected.
- 7) ☒ Claim(s) 1-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-26 objected to because of the following informalities: Claim 1, line 3, "in a" should be "in the/said" so as to make use of antecedent in line 2; is the recitation "the received code signals" in lines 12-13, the same as the recitation "received signals" in line 3, if so, lines 12-13 should be amended to recite "the received signals" for consistency; the same comment applies to line 15 (last line). Claim 2, line 5, "values" should be deleted so as to be consistent with antecedent in claim 1, line 12. Claim 6, line 6, "may" should be deleted. Claim 9, line 3, "a GPS receiver" should be "said/the GPS receiver" so as to be consistent with antecedent in line 2; line 17, "a" should be "said/the" so as to be consistent with antecedent in line 1. Claim 11, line 2, "a" should be "the/said" so as to be consistent with antecedent in claim 9, line 4, "values" should be "value" so as to be consistent with antecedent in claim 10, line 7. Claim 14, line 3, "a receiver" should be "the/said receiver" so as to be consistent with antecedent in line 1. Claims 15-18, 20-21 and 24-26, line 1; "the" should be inserted before "apparatus", respectively. Claim 19, line 1, before apparatus, "an" should be inserted; line 6, "may" needs to be deleted. . Claim 22, line 1, before apparatus, "an" should be inserted; line 4, "a GPS receiver" should be "said/the GPS receiver" so as to be consistent with antecedent in line 2; line 20, "a weighted signal window" should be "the/said weighted signal window" so as to be consistent with antecedent in line 1. Claims 23, line 1, the" should be inserted before "apparatus"; line 2, "a" should be "the/said" so as to be

consistent with antecedent in claim 22, lines 17-18. Claim 24, line 4, "values" should be "value" so as to be consistent with antecedent in claim 23, line 2. Note that any claim whose base claim is objected is likewise objected. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "the received code rate", claim 9, line 10, lacks of proper antecedent basis. Claim 14, line 8, "the local clock signals" lacks of proper antecedent basis; line 13 "the received code signals" lacks of proper antecedent basis. Claim 19, line 9, "the sub-sample clock signals" lacks of proper antecedent basis. Claim 22, line 11, "the received code rate" lacks of proper antecedent basis. Note that any claim whose base claim is rejected is likewise rejected.

***Allowable Subject Matter***


4. Claims 1-8 would be allowable if amended to overcome the objection sets forth above.
5. Claims 9-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-3086. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jean B Corrielus  
Primary Examiner  
Art Unit 2637

11-24-04